

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	ACTION NO. 4:24-CR-001-Y
	§	
JOHN ANTHONY CASTRO (1)	§	

ORDER DENYING MOTION FOR LEAVE TO FILE MOTION

Pending before the Court is the government's Motion for Leave to File Motion to Exclude Defendant's Proposed Expert Testimony Out of Time (doc. 30). In the motion, the government notes that in the Court's order granting Defendant's prior motion for continuance (doc. 21), the Court extended certain pretrial deadlines but did not extend the deadlines for the parties' expert-witness designations. Nevertheless, the parties apparently agreed among themselves to extend those deadlines, without obtaining the Court's permission or approval. And now that Defendant has allegedly failed to comply with the parties' agreement, the government seeks a remedy from the Court, only three weeks prior to the trial date.

The government's motion is DENIED. The Court is unaware of any authority permitting the parties to extend Court-ordered deadlines merely upon their agreement, without Court approval. The Court did not extend the previously imposed deadlines for expert-witness designations when it granted Defendant's motion for continuance because, by that date, those deadlines had already passed, and neither party had specifically requested an extension of the designation deadlines. And those deadlines are established to alleviate the very situation at hand. Thus, the Court-imposed deadlines for designations of expert witnesses and pretrial challenges thereto will be enforced,

and neither party will be permitted to solicit testimony from an expert witness not designated prior to those deadlines, nor challenge such a witness by way of a late-filed pretrial motion, unless the party obtains Court permission for an extension of those deadlines. Given the rapidly approaching trial date, such permission is unlikely to be granted absent a concomitant request for a continuance of the trial date, which may or may not be granted.

SIGNED April 30, 2024.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE